

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

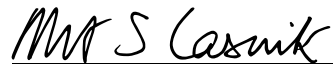
JAMES JEREMY BRISCOE,	)	
	)	CASE NO. C09-1847-RSL
Petitioner,	)	(CR07-218-RSL)
	)	
v.	)	
	)	ORDER OF DISMISSAL
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
_____	)	

The Court, after careful consideration of petitioner's 28 U.S.C. § 2255 motion for writ of habeas corpus, the government's response, supplemental briefing on the question of equitable tolling, the Report and Recommendation of the Honorable Mary Alice Theiler, the governing authorities and the balance of the record, does hereby find and ORDER:

- (1) The Report and Report is ADOPTED;
- (2) Petitioner's § 2255 motion is DENIED as time-barred and this case is DISMISSED with prejudice;
- (3) Petitioner is DENIED issuance of a certificate of appealability; and
- (4) The Clerk is directed to send copies of this Order to the parties and to Judge

01                   Theiler.

02                   DATED this 1<sup>st</sup> day of December, 2010.

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05                   Robert S. Lasnik  
06                   United States District Judge  
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